


Application Number 	Application/Control No. 10/826,926	Applicant(s)/Patent under Reexamination HERUTH ET AL.
Document Code - DISQ		Internal Document – DO NOT MAIL

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Date Filed : 09/10/07	This patent is subject to a Terminal Disclaimer	REASONS:

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Kenneth T. Heruth; Keith A. Miesel	Confirmation No.	1025
Serial No.:	10/826,926		
Filed:	April 15, 2004	Customer No.:	28863
Examiner:	Rex R. Holmes		
Group Art Unit:	3762		
Docket No.:	1023-359US01		
Title:	<u>COLLECTING POSTURE INFORMATION TO EVALUATE THERAPY</u>		

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on September 10, 2007.

By: Karen Sorensen

Name: Karen Sorensen

Commissioner for Patents
Alexandria, VA 22313-1450

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TERMINAL DISCLAIMER

Dear Sir:

The owner of record of a 100 percent interest in the above-identified application, Medtronic, Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the term of any patent issued from copending U.S. Patent Application No. 11/414,507. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent issued from the copending application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a

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maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certification, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Please charge Deposit Account No. 50-1778 in the amount of \$130.00 for the Terminal Disclaimer fee.

The undersigned is an attorney of record.

Date:

9-10-07

By:

Jason D. Kelly
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